

YOUTH SERVICES POLICY

Title: Crimes Committed on the Grounds of Youth Services Facilities/Office Buildings and/or Properties	Type: C. Field Operations Sub Type: 1. General Number: C.1.3
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References: La. R.S. 24:523 and 40:1379.1; La. Children’s Code Articles 898 (C) (3) and 900 (C) (2); ACA Standards 4-JCF-3C-16 and 4-JCF-3D-07 (Performance Based Standards for Juvenile Correctional Facilities); YS Policy Nos. A.1.4 “Investigative Services”, A.1.14 “Unusual Occurrence Reports”, A.2.1 "Employee Manual", B.5.1 “Youth Code of Conduct – Secure Care”, C.5.1 “Required Database Entry and Reporting Requirements”	
STATUS: Approved	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 07/18/2018

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary’s policy regarding the investigation, reporting, and prosecution of crimes committed by any person at a YS office or facility.

III. APPLICABILITY:

All employees of Youth Services. Unit Heads are responsible for ensuring that the investigating and reporting requirements described herein are met.

IV. DEFINITIONS:

Investigative Services (IS) - The internal investigation section of YS/OJJ.

Juvenile Electronic Tracking Systems (JETS) - The centralized database utilized to track all youth in OJJ custody or under OJJ supervision.

Probation and Parole Officer/Juvenile (PPO/J) – For the purposes of this policy, the Probation and Parole Officer assigned to a youth’s case.

Serious Injury - Any injury that threatens a youth or employee's life or limb, or that requires urgent treatment by a doctor, severely restricts the youth or employee's usual activities, or requires follow-up by a doctor.

Unit Head - Deputy Secretary, Facility Directors and Regional Managers.

Unusual Occurrence Report (UOR) - A form/document that must be completed by employees to report incidents or observations of events that may have an impact on any aspect of the agency. UOR forms shall be made available to all employees, working all areas at all times. Employees must complete and submit a UOR prior to the end of their tour of duty on the day the incident was observed or comes to the employee's attention in any way. If a UOR form is not available, the employee must use any paper available to him to report the pertinent information. UORs may also be submitted by email in any format. (Refer to YS Policy No. A.1.14)

Youth - Refers to anyone committed to the custody of or under the supervision of YS.

YS Employee - For the purposes of this policy, a YS employee includes employees, contractors, visitors, volunteers or interns.

YS Commissioned Employee - An employee of YS, who is also duly and properly commissioned by the Louisiana State Police pursuant to La. R.S. 40:1379.1.

V. POLICY:

It is the Deputy Secretary's policy that criminal acts which may occur at a YS office or facility are serious matters and shall be reported, investigated and documented, whether the alleged perpetrator is a youth, employee or any other person present at the YS location.

Employees and contractors are responsible for knowing and adhering to YS Policy No. A.2.1 (b) "Employee Rules of Conduct" portion of the Employee Manual. In addition, youth shall be advised of the "Youth Code of Conduct" both verbally and in writing within 24 hours of direct admission, pursuant to YS Policy No. B.5.1.

The decision to refer prosecution of these acts shall be made on a case-by-case basis and reported to the appropriate officials and agencies when deemed necessary. The Deputy Secretary/designee must give approval before Investigative Services (IS) employees, commissioned pursuant to La. R.S. 40:1379.1, may arrest any person or contact local law enforcement to make the arrest. (Refer to YS Policy No. A.1.4)

VI. CRIMES COMMITTED BY YOUTH IN SECURE CARE FACILITIES:

- A. If a YS employee has knowledge of any kind about a criminal act allegedly committed by a youth, the employee must immediately report it to his supervisor and submit an Unusual Occurrence Report (UOR) prior to the end of his tour of duty. (Refer to YS Policy No. A.1.14)
- B. Upon being notified by the employee, the following steps shall be taken:
 - 1. The supervisor shall immediately contact the Facility Director and a Facility IS investigator.
 - 2. The Facility IS investigator shall contact the Director of IS to determine whether an investigation shall commence immediately.
 - 3. The Director of IS shall contact the Chief of Operations to advise of the incident.
 - 4. The Chief of Operations shall consult with the appropriate Regional Director and the Deputy Secretary to render a joint determination as to the immediate arrest of the youth. Their decision shall be communicated to the Facility Director.
 - 5. Upon the approval of the Deputy Secretary the Facility Director shall contact local law enforcement to make the arrest if the decision is made within four (4) hours of the incident. Otherwise, IS staff shall effect the arrest.
 - 6. When an arrest is made by either local law enforcement or IS, the Director of IS shall contact the YS Communications Director.
- C. The Facility Director or their designee shall be responsible for notifying the adjudicating judge for the youth by faxing a notification of arrest letter within 24 hours, excluding weekends and holidays.
 - 1. The Facility Director or their designee shall prepare a notification of arrest letter to the adjudicating judge for the arrested youth. The letter shall contain the name of the youth, the charge, the arrest date, and the detention, jail, or prison facility the youth has been transferred to.
 - 2. The Facility Director or their designee shall fax the notification of arrest letter to the adjudicating judge within 24 hours of the arrest, excluding weekends and holidays, the appropriate Community Based Services (CBS) Regional Manager and the Regional Director.

3. The notification of arrest letter, along with the fax confirmation, shall be filed in the youth's Master Record under Clip VIII – Court/Chronology Documents.
- D. The Facility Director shall ensure that the youth's record is updated to indicate that a detainer has been placed by creating an Alert in JETS.
- E. If the decision is made **not to immediately arrest** the youth, IS shall further investigate the incident and the following steps shall be taken:
 1. The Director of IS shall contact the Chief of Operations.
 2. The Chief of Operations shall discuss the results of the investigation with the appropriate Regional Director and the Deputy Secretary to render a joint decision as to whether or not IS shall effect an arrest, taking into account the youth's mental health status.
 3. If the decision to arrest is made, the facility IS shall advise the local sheriff's office/detention center of the youth's mental health status, if applicable.

VII. YS/OJJ CHARGES AGAINST SECURE CARE YOUTH:

- A. Not every incident that may be a criminal offense rises to a level that requires referral for prosecution by local law enforcement or IS.
- B. Referrals for prosecution shall only occur with the approval of the Deputy Secretary.
- C. The Unit Head shall notify secure care or CBS employees who are victims of an offense in writing [utilizing the attached form letter, see Attachment C.1.3 (a)], within 10 working days of YS/OJJ's decision to refer the matter for prosecution.

VIII. YS EMPLOYEES PRESS CHARGES WHERE YS/OJJ DECLINES TO REFER:

- A. There may be cases when a YS employee believes that their injury from an incident merits review by local law enforcement for possible criminal prosecution when YS/OJJ will not be referring the matter for possible prosecution.
- B. When an injured employee gets written notice that the incident will not be referred for prosecution and they wish to press charges, they shall contact the Facility Director who shall schedule a meeting between the employee, the Facility Director and the appropriate Regional Director to go over the incident and the evidence.

- C. If after this conference the employee still plans on pressing charges, the employee shall notify the Facility Director of this decision. The employee may then contact the appropriate local law enforcement agency to pursue criminal charges. Investigative Services will provide assistance to the agency conducting the outside investigation.

IX. TRANSFER OF SECURE CARE YOUTH TO A DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS/CORRECTIONS SERVICES (AKA DEPARTMENT OF CORRECTIONS (DOC) FACILITY:

If a youth 17 years of age or older assigned to a secure care facility commits a felony-grade offense, the youth shall be arrested and charged as an adult. If the youth is convicted of a felony in adult criminal court, the Facility Director may complete the "Transfer Request of Secure Care Youth to a Department of Corrections Facility" [see Attachment C.1.3 (b)], recommending to the Regional Director that the youth be transferred to DOC to begin serving his adult sentence in accordance with La. Children's Code Article 898 (C) (3).

The Regional Director shall consult with the General Counsel and Deputy Secretary for a final decision on the matter and to obtain the required approvals on the transfer request form.

X. DETAINERS:

The Facility Director shall initiate a detainer on all youth booked for the purpose of detainers, pending charges upon release who remain in juvenile detention or at a parish jail. In most cases following booking at a juvenile detention facility the youth will be returned to the YS facility. In cases following booking at a parish jail (for youth age 17 and over), depending on the crime and the capacity of the jail, the youth may be detained in the parish prison.

XI. CRIMES COMMITTED AT THE REGIONAL OFFICE BY YOUTH UNDER SUPERVISION:

- A. If a YS employee has been the victim of or has knowledge of a criminal act committed at a regional office by a youth under supervision, the employee must immediately report it to his supervisor and submit a UOR prior to the end of his tour of duty (unless the youth has been arrested or taken into custody for the alleged criminal act).
- B. The Probation and Parole Supervisor/Juvenile (PPS/J) shall immediately advise the Regional Manager, who shall verbally contact the Regional Director.

- C. The Regional Manager and the Regional Director shall confer concerning contacting local law enforcement in the jurisdiction in which the crime occurred. The Regional Manager shall contact local law enforcement should a joint decision be made to arrest the youth.

XII. CRIMES COMMITTED BY A YS EMPLOYEE OR OTHER PERSON:

- A. If a YS employee has knowledge of any kind about a criminal act allegedly committed by a YS employee or any other person at a YS facility/office, the employee must immediately report it to his supervisor and submit a UOR prior to the end of his tour of duty.
- B. The supervisor shall immediately verbally contact a facility investigator or the Director of IS if incident occurs at a Regional Office or Central Office or in the event the facility IS is not available, and provide them with a copy of the UOR when it is available. The IS investigator shall contact the Director of IS, who shall contact the Chief of Operations.
- C. The Chief of Operations shall contact the Deputy Secretary to confer and make a joint determination as to whether or not to effect an immediate arrest, and whether IS or local law enforcement shall make the arrest. If local law enforcement is the appropriate arresting authority, IS shall make the contact.
- D. If the decision is made to have the person arrested immediately, the Director of IS shall advise the Unit Head and the YS Communications Director.
- E. IS shall conduct an investigation of the situation and upon completion; forward a copy to the Chief of Operations.

XIII. PROPERTY OFFENSES COMMITTED BY YS EMPLOYEES OR OTHERS:

If the crime is a property offense, the Deputy Secretary shall immediately notify, in writing, the legislative auditor and the district attorney of the parish in which a property offense was committed against the state as, required by La. R.S. 24:523.

XIV. QUALITY ASSURANCE:

- A. Secure Care Facilities
 - 1. The Control Center shall maintain an arrest log of all youth arrests made or Summons issued indicating the following information:

- a. Date of arrest/Summons;
 - b. Youth's name;
 - c. JETS number;
 - d. Date of incident;
 - e. Place of incident; and
 - f. Violation charged with.
 2. Facility IS shall maintain an arrest log of all IS related secure care employee arrests made indicating the following information:
 - a. Date of arrest;
 - b. IS case number;
 - c. Employee name;
 - d. Date of incident;
 - e. Place of incident; and
 - f. Rule violation(s).
- B. Central Office IS
1. CO IS shall maintain an arrest log of all IS related CO employee arrests made indicating the following information:
 - a. Date of arrests;
 - b. IS case number;
 - c. Employee's name;
 - d. Date of incident; and
 - e. Rule violation(s).

XV. REPORTING REQUIREMENTS:

- A. IS shall prepare a monthly summary of all arrests made on the grounds of YS secure care facilities, office buildings and/or properties, and any District Attorney referrals accepted or denied.
- B. The monthly summary shall also be submitted to the Deputy Secretary, Chief of Operations, Regional Directors, and the Facility/CBS Regional Office ACA Accreditation Managers, if applicable.

Previous Regulation/Policy Number: C.1.3

Previous Effective Date: 06/13/2016

Attachments/References: C.1.3 (a) Emp Notification Letter June2016



(date)

C.1.3 (a)

(employee address)

Re: OJJ Charges Against Secure Care Youth

Dear **(employee)**:

You were the victim in an incident that occurred at **(facility)** on **(date)**. After review of this incident, the agency has made the decision not to press charges against the youth involved. The agency understands that this incident impacted you in a negative way.

There may be cases when an employee feels that their injury from a certain incident merits review even though OJJ will not be pressing charges. If you are interested in pressing charges in this case, Youth Services Policy C.1.3 "Crimes Committed on the Grounds of Youth Services Facilities/Office Buildings and/or Properties" requires that you contact me to schedule a meeting between you, the appropriate Regional Director, and myself to review the incident and evidence. After this meeting you must advise me if you still plan on pressing charges in accordance with policy.

Please contact me at your earliest convenience to schedule a meeting at **(phone #)**. Thank you for your cooperation and contribution to the team here at **(facility)**.

Sincerely,

(Facility Director)
(Facility)

c: Deputy Secretary
Regional Director
YS Legal Counsel

06/16